

AN ORDINANCE SUBMITTING TO THE ELECTORS OF HUDSON A PROPOSAL TO AMEND SECTIONS 3.02, 3.03, 3.04, 3.05, 3.07, 3.09, 3.11, 3.12, 4.02, 5.01, 5.02, 5.03, 6.04, 8.05, 9.01, 9.02 AND 9.07 OF THE CHARTER OF HUDSON; AND DECLARING AN EMERGENCY.

WHEREAS, the duly authorized Charter Review Commission recommends amending Sections 3.02, 3.03, 3.04, 3.05, 3.07, 3.09, 3.11, 3.12, 4.02, 5.01, 5.02, 5.03, 6.04, 8.05, 9.01, 9.02 and 9.07 of the City's Charter; and

WHEREAS, pursuant to City Charter Section 13.02, the Charter Review Commission's recommended amendments to the Charter shall be submitted to the electors at the next general election.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. There is submitted to a vote of the qualified electors of Hudson at the November 3, 2015 general election at the regular places of voting in Hudson during regular hours of voting on such date as prescribed by general law, the recommended amendments of the 2015 Charter Review Commission to amend Sections 3.02, 3.03, 3.04, 3.05, 3.07, 3.09, 3.11, 3.12, 4.02, 5.01, 5.02, 5.03, 6.04, 8.05, 9.01, 9.02 and 9.07 of the City Charter to read as follows:

SECTION 3.02 MEETINGS.

The Council shall conduct an organizational meeting at 7:30 p.m. ~~on the~~ at its first ~~Wednesday of~~ regularly scheduled meeting in December following each regular Municipal election. The Mayor shall preside at this organizational meeting and also at subsequent regular or special meetings at which legislative action may be taken. After this the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. If the day of an organizational meeting as provided in this section is a holiday as established by Municipal ordinance, the meeting shall be held on the next succeeding day which is not a holiday. All regular meetings of the Council and all special meetings at which legislative action may be taken shall be open to the public, except as may be provided by State law. Any resident of the Municipality shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which the Council may adopt. Council may also conduct work session meetings, as necessary, at which no legislative action shall be taken to discuss legislative and other actions, which meetings shall be open to the public but shall not require any resident of the Municipality to be entitled to speak at such meetings.

SECTION 3.03 PRESIDENT.

At each organizational meeting of Council the members first shall elect by majority vote a member to the office of President of Council for a two (2) year term. A member so elected for two (2) consecutive full two-year terms shall thereafter be ineligible for that office for the next succeeding term.

The President of Council shall exercise all of the powers and perform all of the duties of the Mayor in accordance with the provisions of Sections ~~4.02~~ 4.03 and 4.04.

The President of Council may appoint committees of Council to advise the Council on any functions of the Municipal government.

The President of Council shall preside at all meetings of Council at which no legislative action may be taken.

SECTION 3.04 CLERK OF COUNCIL.

Council shall appoint a Clerk of Council, who shall serve at the pleasure of Council. The Clerk of Council shall attend all meetings of Council at which legislative action may be taken, keep its records and perform all other duties prescribed by Council. During the absence or disability of the Clerk, the Council shall appoint a clerk pro tempore to perform all of the duties of the office.

SECTION 3.05 POWERS.

All the legislative powers of the Municipality and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision differing from the general law with respect to:

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(e) The making, advertising and awarding of contracts, except as provided in Section ~~6.03~~ 6.04 of this Charter;

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SECTION 3.07 QUORUM AND PROCEDURE.

A majority of the members of Council shall constitute a quorum for the transaction of any business at any meeting of the Council, but if a quorum is not present, a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. At any meeting where legislative action may be taken at which a quorum is present, any ordinance or resolution may be passed or adopted and any other action may be taken by the affirmative votes of four (4) members of the Council unless a larger number be required by the provisions of this Charter or by the laws of Ohio.

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SECTION 3.09 ORDINANCES AND RESOLUTIONS THAT TAKE IMMEDIATE EFFECT.

Ordinances or resolutions shall go into immediate effect if they provide for: appropriations for current expenses of the Municipality; or street and utility improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for

the cost thereof; or emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the Municipality. Such emergency ordinances or measures shall contain a statement of the specific reasons for such necessity in a separate section of the ordinance or other measure. Every such emergency measure or ordinance shall require the affirmative vote of at least five (5) members of the Council for its enactment except that six (6) affirmative votes shall be required if all members are present. If such an emergency measure fails to receive the necessary affirmative votes but receives a necessary majority for adoption or passage as a regular measure, it shall be considered adopted or passed as a regular measure.

No action of the Council in authorizing the surrender of any of its powers or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or any ordinance referring to zoning or building codes or other regulations controlling the use or development of land, shall be taken as an emergency measure.

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SECTION 3.11 VACANCIES.

Any vacancy in the Council shall be filled temporarily by appointment by a majority of the remaining members of the Council, and then by the voters for the remainder of the term at the next regular Municipal election, unless that election occurs within sixty (60) days, the period necessary to allow time for candidates to file, then at the subsequent regular Municipal election. The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin at the first regular Council meeting in December following the election and shall continue for the remainder of such unexpired term. If the Council fails to fill a vacancy within ~~thirty~~ sixty (30/60) days, a special election will be called by Council. However, the term of a member shall not be lengthened by resignation and subsequent appointment. Any vacancy in the office of President of Council shall be filled by a member elected by the majority of the members of Council.

SECTION 3.12 ADMINISTRATIVE SERVICE.

The Council and its members shall deal solely through the City Manager in respect to any part of the administrative service, or the daily operations thereof, for which the City Manager is responsible.

SECTION 4.02 POWERS.

When authorized by Council, the Mayor shall serve as judge and shall have all the judicial powers granted generally by the laws of Ohio to mayors of municipalities. The Mayor shall preside at the organizational meeting and all subsequent regular and special meetings of the Council at which legislative action may be taken but shall have no vote therein.

The Mayor shall have the right to introduce ordinances, resolutions and motions, and the right to participate in and receive information on all matters coming before the Council. The Mayor shall timely inform the Council on substantive matters the Mayor participates in within the Mayor's official capacity.

The Mayor shall be the official and ceremonial head of the Municipal government and shall be recognized as such by the Governor for military purposes and by the courts for the purpose of serving civil processes.

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SECTION 5.01 APPOINTMENT, REMOVAL, SUSPENSION AND QUALIFICATIONS

A City Manager shall be appointed by Council, an affirmative vote of not less than five (5) members of Council being necessary for the City Manager's appointment. The City Manager's tenure shall be indefinite, but shall continue only at the pleasure of Council, a vote of at least five (5) members of Council being necessary for removal.

The City Manager may be suspended for just cause for a period of time not to exceed thirty (30) calendar days, an affirmative vote of at least four (4) members of Council being necessary for any such suspension. Within three (3) calendar days of being notified in writing of the suspension, the City Manager may request a hearing before the Council as to whether there was just cause for the suspension and/or whether the suspension shall be modified as to its duration and/or whether the suspension shall be with or without pay. At the close of the hearing, an affirmative vote of at least (4) members of Council shall be required to vacate or to modify the suspension in any manner. By the affirmative vote of at least four (4) members of Council, the Council shall appoint a Municipal employee to serve as the Acting City Manager during any suspension of the City Manager.

The City Manager shall be chosen solely on the basis of professional qualifications and knowledge of the duties, standards and accepted practices of the office. The City Manager need not be a resident of the Municipality at the time of appointment, but shall within a reasonable time after appointment establish and maintain residence in the Municipality, unless otherwise provided by Council.

SECTION 5.02 REMOVAL PROCESS.

The City Manager may be suspended by a resolution approved by the majority of the total membership of the Council which shall set forth the reasons for suspension ~~and~~ pending a proposed removal of the City Manager. A copy of such resolution shall be served immediately upon the City Manager. The City Manager shall have fifteen (15) days in which to reply thereto in writing, and upon request, shall be afforded a ~~public~~ hearing at a public meeting, which shall occur not earlier than ten (10) days nor later than fifteen (15) days after such hearing is requested. If a hearing is not requested by the City Manager within the fifteen (15)-day period, the removal of the City Manager is effective on the sixteenth (16th) day after service of the resolution provided for above. After the ~~public~~ hearing, if one be requested, and after full consideration, the Council may adopt a final resolution of removal. A final resolution of removal shall be acted upon by the Council within fifteen (15) days after the close of all testimony and arguments at the Council's hearing and it shall be effective immediately upon its passage. The City Manager shall continue to receive full salary until the effective date of a final resolution of removal.

SECTION 5.03 POWERS AND DUTIES.

The City Manager shall be the Chief Administrative Officer of the Municipality, responsible to the Council for the proper administration of all affairs of the Municipality and the enforcement of all laws and ordinances within the scope of the designated powers and duties of the office. The City Manager shall manage all divisions and departments of the Municipal government and to this end shall have the power and be required to:

(a) Appoint, promote, transfer, reduce or remove, subject to the provisions of this Charter and enactments of Council pursuant thereto, any officer or employee of the Municipality, except those required by this Charter to be elected and those persons as whose appointment or term of office may otherwise be provided for by this Charter; and the City Manager may appoint an Assistant City Manager, provided such position is provided for by an ordinance of the Council and such appointment is approved by the Council;

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SECTION 6.04 CONTRACTS AND PURCHASING.

The City Manager may, within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of twenty-five thousand dollars (\$25,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) shall be made except with the lowest and best bidder as determined by Council after advertising for bids, in writing, for a period of at least once a week for two (2) weeks in a newspaper of general circulation within the Municipality; provided, however, that the Council may authorize contracts without advertising for bids for professional services, for the acquisition of real estate, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists affecting life, health, property or public peace and sets forth the nature of the emergency in its resolution or ordinance. The Council may also authorize a purchase or a contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if the purchase or contract is made through another political subdivision's contract for purchases or a joint or cooperative purchasing program, as such methods of purchasing and contracting are authorized by state law.

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SECTION 8.05 MUNICIPAL PARKS.

The Municipality shall operate and maintain public parks and public lands acquired or designated by Council. The Park Board shall, ~~as directed by Council, supervise~~ make recommendations as to the following matters: the operation of the parks, ~~submit~~ submit an annual budget with the advice of the City Manager ~~to Council for its~~ the Council's approval and appropriation of funds, ~~approve~~ approve park expenditures in accordance with the appropriation therefor, ~~for payment by the Finance Director, provide for~~ conservation and recreation activities within the Parks System

and it shall perform such other tasks as may be designated by Council. ~~The City Manager shall hire Parks management personnel, with the advice of the Park Board.~~

Tax levies designated for the operation of the public park system shall be recommended by the Park Board and may be approved by Council for placement on the ballot. Funds collected and appropriated for park purposes shall be maintained as a Special Revenue Fund by the Finance Director of the Municipality.

~~The~~ With the approval of the Council, the Park Board shall provide for lands suitable for park activities and programs, and for lands suitable for natural preserves. Land acquisitions for park purposes shall be recommended by the Park Board and may be approved by Council and shall conform to the Comprehensive Plan and enacting ordinances in effect at the time of the acquisition. ~~No land under the jurisdiction of the Park Board~~ Except by a vote of a majority of the electors of the Municipality, land owned by the Municipality and devoted to public park purposes shall not be sold or otherwise transferred to another owner, nor used by the Municipality for purposes other than public park purposes, except by a vote of a majority of the electors of the Municipality, which would result in a net reduction of the land area of the public park, unless the reduction in land area would be for a public purpose that enhances the function of that particular park or for a public right-of-way for vehicular, pedestrian and/or utility purposes.

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SECTION 9.01 PLANNING COMMISSION - COMPOSITION AND TERMS.

The Planning Commission shall consist of seven (7) electors of the Municipality appointed by Council, not holding other public office, ~~appointed by Council~~, to serve without compensation, for a term of four (4) years, except that the members of the first Commission of seven (7) members after the approval of this section by the electors shall serve the following staggered terms: One (1) member for a term ending January 1, 1996; two (2) members for terms ending January 1, 1997; two (2) members for terms ending January 1, 1998; and two (2) members for terms ending January 1, 1999. Each member shall have been a resident of the Municipality or in territory annexed thereto for two (2) years preceding appointment and shall continue to remain a resident during the member's term. The City Manager or a designee shall serve as ex-officio Secretary of the Commission. In the event of a vacancy, Council shall appoint a qualified elector to complete the unexpired term. No member of the Planning Commission shall serve for more than three (3) consecutive full four (4)-year terms.

SECTION 9.02 PLANNING COMMISSION - POWERS AND DUTIES.

All meetings of the Commission shall be public, except as may be provided by the laws of the State of Ohio. No public building, street, boulevard, parkway, park, playground, bridge or tunnel shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, or its use changed or any ordinance referring to zoning or building codes or other regulations controlling the use or development of land be passed unless and until Council shall have submitted the same to the Planning Commission for report and recommendation. Any foregoing matter so referred to the Planning Commission shall be considered by the Commission at a public hearing, except streets and land subdivision within zoning districts where both industrial and office uses are permitted.

Notice of a public hearing shall be given in the manner provided by ordinance of Council, and thereafter shall be acted upon by the Planning Commission within one hundred twenty (120) days from the date of the regular Planning Commission meeting at which the matter was accepted, unless a longer time be allowed by Council. The Planning Commission report and recommendation shall be filed with the Clerk of Council within the prescribed time. Any proposed action by Council relating to changes of zoning, building codes, or other regulations controlling the use or development of land shall require five (5) votes of Council for passage. Four (4) votes by Council shall be required to return a recommendation to the Planning Commission for further consideration, and this may be done only once. In addition to the foregoing, the Planning Commission shall be the Platting Commission of the Municipality, shall have the power and duty to review, approve, disapprove, or approve subject to conditions, all applications for zoning certificates for new non-residential buildings within zoning districts where both industrial and office uses are permitted, and shall have such other powers as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.

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SECTION 9.07 ARCHITECTURAL AND HISTORIC BOARD OF REVIEW -POWERS AND DUTIES.

All meetings of the Architectural and Historic Board of Review shall be public, except as may be provided by the laws of the State of Ohio. The Board shall have the power and the duty to review, approve, disapprove, or approve subject to conditions, all applications for zoning certificates other than zoning certificates for new non-residential buildings within zoning districts where both industrial and office uses are permitted, which shall be reviewed in accordance with the provisions of Section 9.02, and other than minor improvements to either residential or non-residential properties, such as fences, small accessory buildings, building additions, and signs, as specified by Council, which minor improvements may be administratively reviewed, approved, disapproved, or approved subject to conditions by the City Manager or the Manager's designee(s). With respect to applications to construct, erect, alter, remove, move or demolish any and all structures, buildings or landmarks within any Historic District established and defined by Council, the Board shall also have the power and duty to issue or deny a Certificate of Appropriateness pursuant to procedures established by Council. In the exercise and fulfillment of these specified powers and duties, the Board shall protect and preserve the value, appearance and use of property on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience and welfare and to protect real estate within the Municipality from impairment or destruction of value. Guidelines for the fulfillment of such duties shall be specified with respect to architectural values in architectural criteria as adopted, and as may be amended, by Council. Any provisions of the Codified Ordinances of Hudson relating to the Architectural and Historic Board of Review existing pursuant to such ordinances at the time of adoption of this section shall continue in effect and shall be applicable to the Board established by this section unless and until modified or repealed by Council. The Board shall also have such other powers and duties as are now or may hereafter be conferred upon it by the laws of Ohio or by ordinance of Council.

Council, the Planning Commission and the City Manager shall consult with the Architectural and Historic Board of Review on application of the architectural criteria adopted by Council to physical development of the Municipality.

Section 2. The Clerk of Council is authorized and directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than sixty (60) days prior to the November 3, 2015 general election for submission to the qualified electors of Hudson.

Section 3. The ballot language for the amendments set forth in Section 2 of this Ordinance is recommended to read substantially as follows:

“CITY OF HUDSON
PROPOSED CHARTER AMENDMENTS

BALLOT ISSUE #1

Shall the proposed amendments and revisions to Articles III and IV of the Charter of Hudson related to provisions governing the Council and the Mayor, as recommended by the 2015 Charter Review Commission, be adopted?

- YES
- NO

BALLOT ISSUE #2

Shall the proposed amendments and revisions to Articles V and VI of the Charter of the City of Hudson related to the City Manager and to the City’s contracts and purchasing, as recommended by the 2015 Charter Review Commission, be adopted?

- YES
- NO

BALLOT ISSUE #3

Shall the proposed amendments and revisions to Articles VIII and IX of the Charter of the City of Hudson related to the Municipal Parks, Planning Commission, and Architectural and Historic Board of Review, as recommended by the 2015 Charter Review Commission, be adopted?

- YES
- NO”

Section 4. Pursuant to Ohio Revised Code Section 731.211, the Clerk of Council shall give notice of the foregoing proposed Charter amendments to the electors of Hudson.

Section 5. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that this Ordinance must go into immediate effect in order to meet the deadline for submitting the same to the Summit County Board of Elections at least sixty (60) days before the general municipal election on November 3, 2015; wherefore, this Resolution shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto or six (6) affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on _____ 2015.

Elizabeth Slagle, Clerk of Council